

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 20426 of 2007(F)

PETITIONER:

PROMOD W.P., L.P.S.A. L.M.L.P.S.
CHULLIMANOOR, CHULLIMANOOR P.O., NEDUMANGAD (VIA)
THIRUVANANTHAPURAM, NOW RESIDING AT JILU BHAVAN,
PALLIMUKKU, NEAR A.G. CHURCH PALLIMUKKU,
PEYAD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR
SMT.SUSHYA RAJAN

RESPONDENTS:

1. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
2. THE DISTRICT EDUCATIONAL OFFICER,
ATTINGAL, THIRUVANANTHAPURAM.
3. THE ASSISTANT EDUCATIONAL OFFICER,
NEDUMANGAD, NEDUMANGAD P.O.,
THIRUVANANTHAPURAM.
4. THE MANAGER, CORPORATE MANAGEMENT
OF LUTHERAN SCHOOLS, INDIA EVANGELICAL
LUTHERAN CHURCH, THIRUVANANTHAPURAM SYNOD
CALVARY LUTHERAN CHURCH, PERURKADA P.O.,
THIRUVANANTHAPURAM - 695 005.
5. THE HEADMISTRESS, L.M.L.P.S.
CHULLIMANOOR, CHULLIMANOOR P.O.
NEDUMANGAD (VIA), THIRUVANANTHAPURAM.
6. SHERIN J.WILSON, RESIDING AT BETHEL,
THAYPULANKALA, PANDARAKONAM,
THIRUVANANTHAPURAM.

ADDL.R7 IMPEADED: SREEKALA.G.S., SANTHI BHAVAN, CHENKAL.P.O.,
THIRUVANANTHAPURAM - 695 132.

IMPEADED AS PER ORDER DATED 13.7.07 IN IA.9508/07.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
GOVERNMENT PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

EXT.P1: PHOTOCOPY OF APPOINTMENT ORDER.

EXT.P2: PHOTOCOPY OF ATTENDANCE REGISTER.

EXT.P3: PHOTOCOPY OF DEATH CERTIFICATE.

EXT.P4: PHOTOCOPY OF ORDER DT. 19/7/2006.

EXT.P5: PHOTOCOPY OF ORDER DT. 16/11/2006.

EXT.P6: PHOTOCOPY OF REVISION PETITION 1033 DT. 12/12/2006.

EXT.P7: PHOTOCOPY OF ATTENDANCE REGISTER.

EXT.P8: PHOTOCOPY OF ORDER DT. 31/5/2007.

EXT.P9: PHOTOCOPY OF COMPLAINT FILED BY PETR. DT. 5/6/2007.

Dated this the 16th day of August, 2007.

J U D G M E N T

Petitioner claims that he was appointed as Lower Primary School Assistant in LMLPS, Chullimanoor under the management of respondent No.4, under the dying in harness Scheme. Ext.P1 is stated to be the photo stat copy of the order of appointment. It is admitted by the petitioner that he could join duty only in June 2006, though the order of appointment was issued on April 28, 2006. It is also admitted by the petitioner that a dispute was pending in the corporate management at the time of his appointment. When the proposal for approval of petitioner's appointment was forwarded to the controlling officer, it was rejected as revealed from Ext.P4 order. The appeal preferred also met with the same fate.

2. Learned counsel for the petitioner submits that a revision petition had been preferred by the then Manager of the corporate agency before respondent No.1, a copy of which is on record as Ext.P6. The limited prayer is to issue an appropriate direction to the revisional authority to take a decision on the revision petition expeditiously.

3. Having regard to the entire facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P6 revision petition strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this

judgment. Respondent No.1 shall ensure that apart from the petitioner and the Manager of the school, respondents 6 and 7 are also afforded sufficient opportunity of hearing before any decision is taken in the matter. While taking a decision, respondent No.1 shall keep in view the judicial precedents on the point.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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